

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:08-00284

MARTIN JOHNSON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 19, 2013, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Martin Johnson, appeared in person and by his counsel, George H. Lancaster, Jr., Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Joseph Black. The defendant commenced a three-year term of supervised release in this action on July 28, 2011, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on August 28, 2009.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by positive urine specimens submitted by him on October 10, November 8, December 21, 2012, and January 16, 2013, for marijuana; (2) the defendant failed to appear for urine screens on October 1 and 22, November 15, and December 12, 2012, and February 6, April 29 and May 2, 2013; (3) the defendant failed to report to the probation officer as directed on December 19, 2012, that he report each Tuesday; (4) the defendant failed to abide by the special condition that he enter the Legends drug treatment program and failed to follow the instructions of the probation officer inasmuch as he was directed on December 19, 2012, to contact Legends to insure his name remained on the bed list and on January 15, 2013, the defendant reported to the probation officer that he had not been calling the facility as directed and at no time entered the program; and (5) the defendant failed to provide the probation officer with requested documentation to verify his employment at IHOP; all as admitted

by the defendant on the record of the hearing and as set forth in the amendment to the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

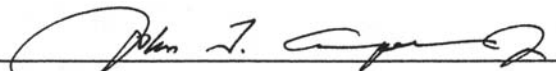
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of thirty-two (32) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit

another federal, state or local crime and the special condition that he spend a period of six (6) months at Dismas Charities, abide by the rules and regulations of the facility, and participate in drug abuse counseling and treatment as directed. If feasible, the defendant shall report directly from his place of incarceration to Dismas Charities.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 7, 2013



John T. Copenhaver, Jr.
United States District Judge